

ORDINANCE NO. 97-43

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR THE FOLLOWING COUNTY INITIATED CORRECTIVE AMENDMENTS: 97-78 RES 1 (7TH AVENUE NORTH), MODIFYING PAGE 78 OF THE FLUA BY CHANGING 23 PARCELS FROM LOW RESIDENTIAL 3 (LR-3) TO MEDIUM RESIDENTIAL 5 (MR-5). THE PROPERTIES TOTAL 13.11 ACRES, AND ARE LOCATED APPROXIMATELY EIGHT HUNDRED FEET SOUTH OF 10TH AVENUE NORTH. THE PROPERTIES EXTEND APPROXIMATELY NINE HUNDRED FIFTY FEET EAST OF KIRK ROAD, ON THE NORTH AND SOUTH SIDES OF 7TH AVENUE NORTH; 97-86 RES 1 (JOG/HYPOLUXO ROAD), MODIFYING PAGE 86 OF THE FLUA BY CHANGING AN 11.51 ACRE PARCEL FROM COMMERCIAL LOW INTENSITY, WITH AN UNDERLYING DENSITY OF THREE UNITS PER ACRE (CL/3) TO LOW RESIDENTIAL 3 (LR-3). THE PROPERTY IS LOCATED APPROXIMATELY FIVE HUNDRED FIFTY FEET SOUTH OF HYPOLUXO ROAD ON THE WEST SIDE OF JOG ROAD; 97-64 CHX 1 (MILITARY TRAIL/SUMMIT BLVD. - NW QUADRANT), MODIFYING PAGE 64 OF THE FLUA TO REMOVE THE HATCHED LINES FROM A PORTION OF THREE PROPERTIES TOTALING 14.19 ACRES GENERALLY LOCATED AT THE NW QUADRANT OF THE MILITARY TRAIL/SUMMIT BOULEVARD INTERSECTION; 97-57 CHX 1 (OKEECHOBEE BLVD./INDIAN ROAD - SE QUADRANT), MODIFYING PAGE 57 OF THE FLUA TO REMOVE THE HATCHED LINES FROM A PORTION OF A 6.28 ACRE PROPERTY LOCATED AT THE SE QUADRANT OF THE OKEECHOBEE BLVD./INDIAN ROAD INTERSECTION; 97-57 COM 3 (OKEECHOBEE BLVD./INDIAN ROAD - SW CORNER), MODIFYING PAGE 57 OF THE FLUA TO CHANGE A 3.04 ACRE PARCEL FROM HIGH RESIDENTIAL-8 (HR-8) TO COMMERCIAL HIGH/HR-8 (CH/8); AND TO REMOVE THE HATCHED LINES FROM A PORTION OF THE PROPERTY. THE PROPERTY IS LOCATED AT THE SW CORNER OF THE OKEECHOBEE BLVD./INDIAN ROAD INTERSECTION; 97-56 U/T 1 (TURNPIKE/JOG ROAD), MODIFYING PAGE 56 OF THE FLUA TO CHANGE A 15.81 ACRE PARCEL FROM INDUSTRIAL (IND) TO TRANSPORTATION & UTILITIES FACILITIES (U/T). THE PROPERTY IS LOCATED AT THE NW AND SW CORNERS OF THE INTERSECTION OF FLORIDA'S TURNPIKE AND JOG ROAD; 97-72 RES 1 (TUCKER ROAD), MODIFYING PAGE 72 OF THE FLUA TO CHANGE A 4.91 ACRE PARCEL FROM INSTITUTIONAL (INST) TO MEDIUM RESIDENTIAL 5 (MR-5). THE PROPERTY IS GENERALLY LOCATED WEST OF CONGRESS AVENUE, SOUTH OF FOREST HILL BOULEVARD ON TUCKER ROAD; PROVIDING FOR REPEAL OF LAWS IN CONFLICT;

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1 PROVIDING FOR SEVERABILITY; PROVIDING FOR
2 INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND
3 PROVIDING FOR AN EFFECTIVE DATE

4 WHEREAS, on August 31, 1989, the Palm Beach County Board of
5 County Commissioners adopted the 1989 Comprehensive Plan by
6 Ordinance No. 89-17; and

7 WHEREAS, the Palm Beach County Board of County Commissioners
8 amends the 1989 Comprehensive Plan as provided by Chapter 163, Part
9 II, Florida Statutes; and

10 WHEREAS, the Palm Beach County Board of County Commissioners
11 have initiated amendments to several elements of the Comprehensive
12 Plan in order to promote the health, safety and welfare of the
13 public of Palm Beach County; and

14 WHEREAS, the Palm Beach County Local Planning Agency conducted
15 a public hearing on May 23, June 13, June 20, and October 24, 1997,
16 to review the proposed amendments to the Palm Beach County
17 Comprehensive Plan and made recommendations regarding the proposed
18 amendments to the Palm Beach County Board of County Commissioners
19 pursuant to Chapter 163, Part II, Florida Statutes; and

20 WHEREAS, the Palm Beach County Board of County Commissioners,
21 as the governing body of Palm Beach County, conducted a public
22 hearing pursuant to Chapter 163, Part II, Florida Statutes, on July
23 21, 1997, to review the recommendations of the Local Planning
24 Agency, whereupon the Board of County Commissioners authorized
25 transmittal of proposed amendments to the Department of Community
26 Affairs for review and comment pursuant to Chapter 163, Part II,
27 Florida Statutes; and

28 WHEREAS, Palm Beach County received on October 20, 1997, the
29 Department of Community Affairs "Objections, Recommendations, and
30 Comments Report," dated October 16, 1997, which was the

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Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on November 17, 1997, the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendments to the Land Use Element's Future Land Use Atlas are hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 78 is amended as follows:

Application No.:	97-78 RES 1 (7TH AVENUE NORTH)
Amendment:	Low Residential 3 (LR-3) to Medium Residential 5 (MR-5)
General Location:	23 properties located approximately 800 feet south of 10th Avenue North, extending approximately 950 feet east of Kirk Road, on the north and south sides of 7th Avenue North
Size:	Approximately 13.11 acres;

B. Future Land Use Atlas page 86 is amended as follows:

Application No.: 97-86 RES 1 (JOG/HYPOLUXO ROAD)
Amendment: Commercial Low Intensity, with an
underlying density of 3 units per
acre (CL/3) to Low Residential 3
(LR-3)

General Location: Approximately 550 feet south of
Hypoluxo Road on the west side of
Jog Road

Size: 11.51 acres;

C. Future Land Use Atlas page 64 is amended as follows:

Application No.: 97-64 CHX 1 (MILITARY TRAIL/SUMMIT
BLVD. - NW QUADRANT)

Amendment: To remove the hatched lines from a
portion of three properties

General Location: At the NW Quadrant of the Military
Trail/Summit Boulevard Intersection;

Size: Approximately totaling 14.19 acres;

D. Future Land Use Atlas page 57 is amended as follows:

Application No.: 97-57 CHX 1 (OKEECHOBEE BLVD./INDIAN
ROAD - SE QUADRANT)

Amendment: To remove the hatched lines

General Location: at the Se Quadrant of the Okeechobee
Blvd./Indian Road Intersection;

Size: 6.28 acres;

E. Future Land Use Atlas page 57 is amended as follows:

Application No.: 97-57 COM 3 (OKEECHOBEE BLVD./INDIAN
ROAD - SW CORNER)

Amendment: High Residential-8 (HR-8) to
Commercial High/HR-8 (CH/8); and to

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remove the hatched lines from a
portion of the property;

General Location: At the SW Corner of the Okeechobee
Blvd./Indian Road Intersection;

Size: 3.04 acres;

F. Future Land Use Atlas page 56 is amended as follows:

Application No.: 97-56 U/T 1 (TURNPIKE/JOG ROAD)

Amendment: Industrial (IND) to Transportation &
Utilities Facilities (U/T)

General Location: At the NW and SW corners of the
intersection of Florida's Turnpike
and Jog Road;

Size: 15.81 acres

G. Future Land Use Atlas page 72 is amended as follows:

Application No.: 97-72 RES 1 (TUCKER ROAD)

Amendment: Institutional (INST) to Medium
Residential 5 (MR-5)

General Location: West of Congress Avenue, south of
Forest Hill Boulevard on Tucker
Road;

Size: 4.91 acres.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated
area of Palm Beach County in conflict with any provision of this
ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word
of this Ordinance is for any reason held by the Court to be
unconstitutional, inoperative or void, such holding shall not

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1 affect the remainder of this Ordinance.

2 **Part IV. Inclusion in the 1989 Comprehensive Plan**

3 The provision of this Ordinance shall become and be made a
4 part of the 1989 Palm Beach County Comprehensive Plan. The
5 Sections of the Ordinance may be renumbered or relettered to
6 accomplish such, and the word "ordinance" may be changed to
7 "section," "article," or any other appropriate word.

8 **Part V. Effective Date**

9 The effective date of these plan amendments shall be the date
10 a final order is issued by the Department of Community Affairs or
11 Administration Commission finding the amendments in compliance in
12 accordance with Section 163.3184, Florida Statutes, whichever
13 occurs earlier. No development orders, development permits, or
14 land uses dependent on these amendment may be issued or commence
15 before they have become effective. If a final order of
16 noncompliance is issued by the Administration Commission, these
17 amendments may nevertheless be made effective by adoption of a
18 resolution affirming their effective status, a copy of which
19 resolutions shall be sent to the Department of Community Affairs,
20 Bureau of Local Planning, 2740 Centerview Drive, Tallahassee,
21 Florida 32399-2100. **APPROVED AND ADOPTED** by the Board of County
22 Commissioners of Palm Beach County, on the 17 day of
23 November, 1997.

24 ATTEST:
25 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

26 Joan Haverly
27 Deputy Clerk

By [Signature]
Chair

28 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

29 [Signature]
30 COUNTY ATTORNEY

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31 Filed with the Department of State on the 21 day
32 of November, 1997.

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EXHIBIT
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County Initiated Corrective Amendments:

- A. 97-78 RES 1 (7TH AVENUE NORTH)**
- B. 97-86 RES 1 (JOG/HYPOLUXO ROAD)**
- C. 97-64 CHX 1 (MILITARY TRAIL/SUMMIT BLVD. - NW QUADRANT)**
- D. 97-57 CHX 1 (OKEECHOBEE BLVD./INDIAN ROAD - SE QUADRANT)**
- E. 97-57 COM 3 (OKEECHOBEE BLVD./INDIAN ROAD - SW CORNER)**
- F. 97-56 U/T 1 (TURNPIKE/JOG ROAD)**
- G. 97-72 RES 1 (TUCKER ROAD)**

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EXHIBIT A

Future Land Use Atlas page 78 is amended as follows:

Application No.: 97-78 RES 1 (7TH AVENUE NORTH)

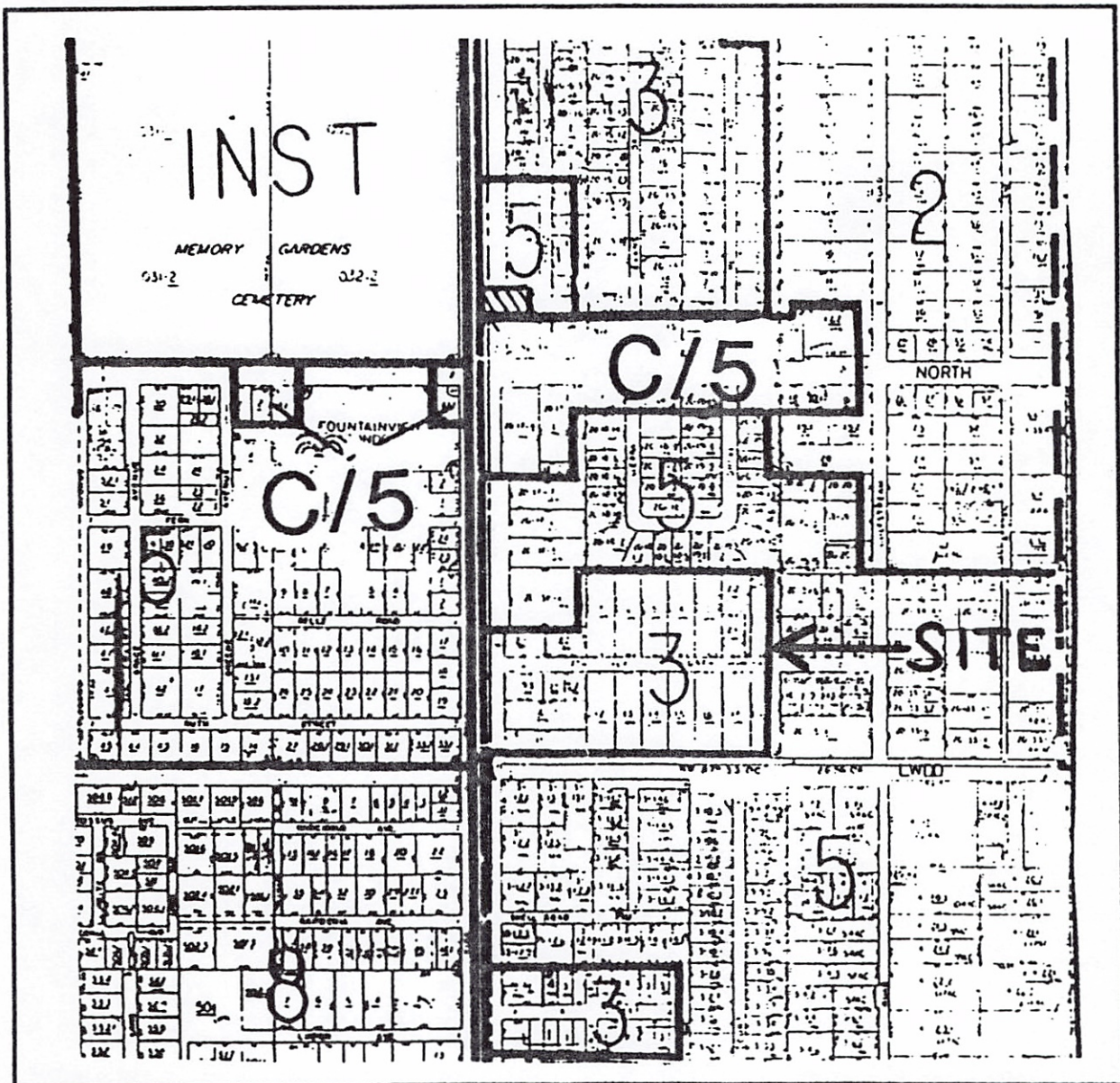
General Location: 23 properties located approximately 800 feet south of 10th Avenue North, extending approximately 950 feet east of Kirk Road, on the north and south sides of 7th Avenue North

Size: Approximately 13.11 acres

Existing FLU: Low Residential 3 (LR-3)

Adopted FLU: Medium Residential 5 (MR-5)

Property Number:	00-43-44-19-10-000-0010	00-43-44-19-10-000-0092
	00-43-44-19-10-000-0011	00-43-44-19-10-000-0093
	00-43-44-19-10-000-0021	00-43-44-19-10-000-0100
	00-43-44-19-10-000-0022	00-43-44-19-10-000-0110
	00-43-44-19-10-000-0030	00-43-44-19-10-000-0120
	00-43-44-19-10-000-0040	00-43-44-19-10-000-0130
	00-43-44-19-10-000-0050	00-43-44-19-10-000-0140
	00-43-44-19-10-000-0060	00-43-44-19-10-000-0150
	00-43-44-19-10-000-0070	00-43-44-19-10-000-0160
	00-43-44-19-10-000-0081	00-43-44-19-10-000-0170
	00-43-44-19-10-000-0082	00-43-44-19-10-000-0180
	00-43-44-19-10-000-0091	



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EXHIBIT B

Future Land Use Atlas page 86 is amended as follows:

Application No.: 97-86 RES 1 (JOG/HYPOLUXO ROAD)

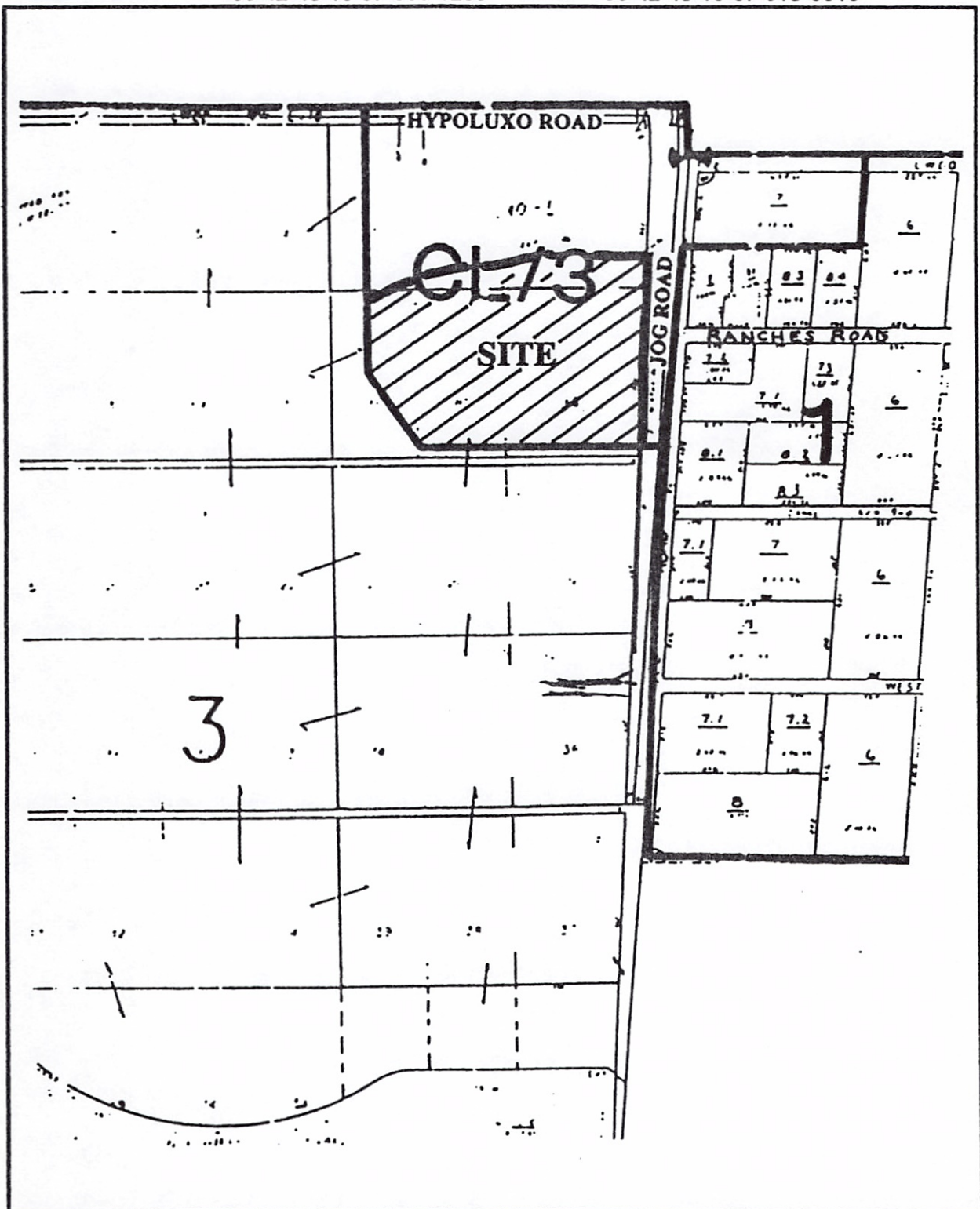
General Location: Approximately 550 feet south of Hypoluxo Road on the west side of Jog Road

Size: 11.51 acres

Existing FLU: Commercial Low Intensity, with an underlying density of 3 units per acre (CL/3)

Adopted FLU: Low Residential 3 (LR-3)

Property Number: 00-42-45-10-07-000-0140 through 00-42-45-10-07-000-0950
00-42-45-10-07-000-1250 00-42-45-10-07-000-1290
00-42-45-10-07-000-1260 00-42-45-10-07-000-1300
00-42-45-10-07-000-1270 00-42-45-10-07-000-1310
00-42-45-10-07-000-1280 00-42-45-10-07-015-0010



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Future Land Use Atlas page 64 is amended as follows:

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EXHIBIT D

Future Land Use Atlas page 57 is amended as follows:

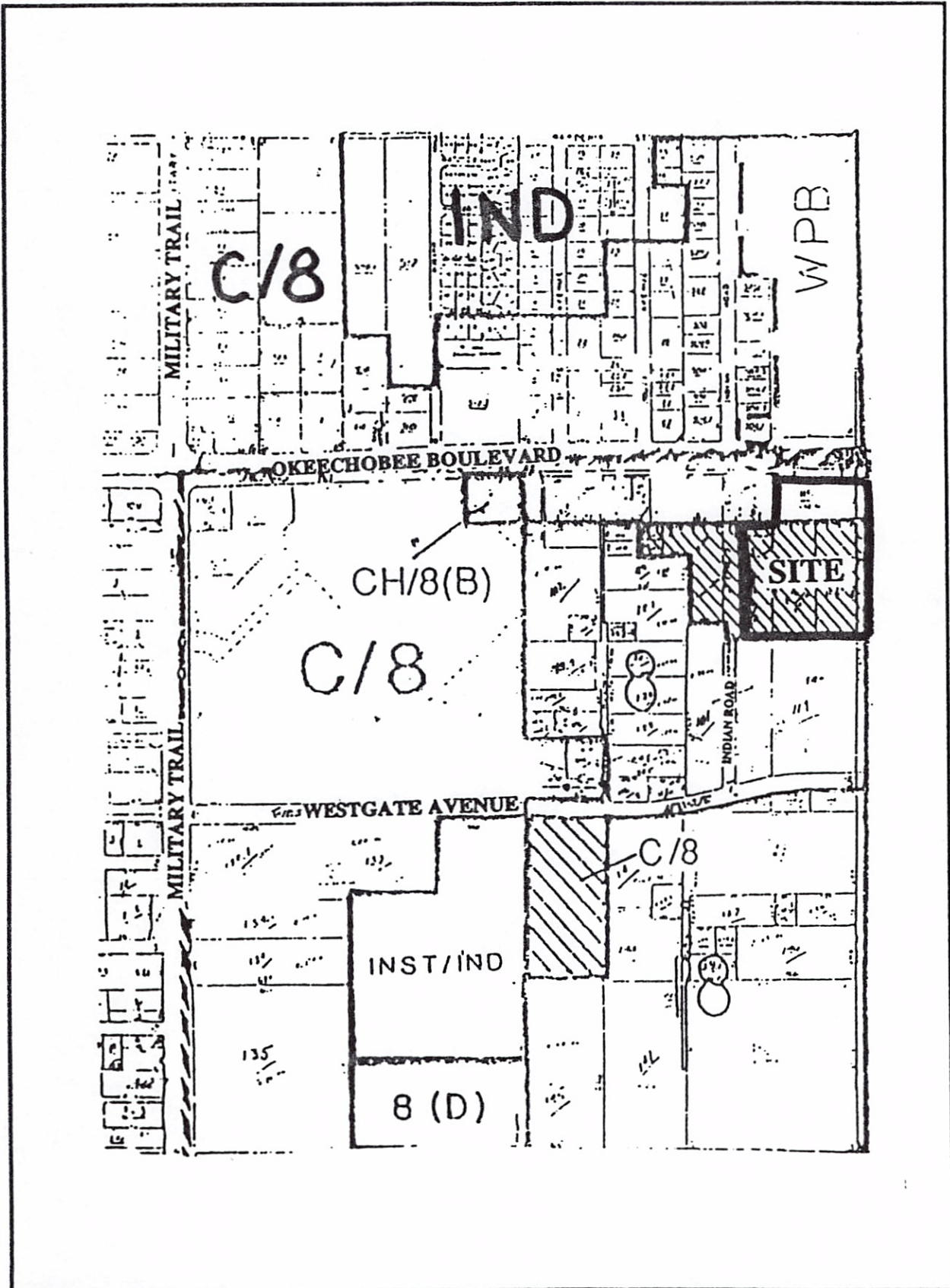
Application No.: 97-57 CHX 1 (OKEECHOBEE BLVD./INDIAN ROAD - SE QUADRANT)

General Location: At the SE Quadrant of the Okeechobee Blvd./Indian Road Intersection

Size: 6.28 acres

Amendment: To remove the hatched lines

Property Number: 00-42-43-25-00-000-1120



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EXHIBIT E

Future Land Use Atlas page 57 is amended as follows:

Application No.: 97-57 COM 3 (OKEECHOBEE BLVD./INDIAN ROAD - SW CORNER)

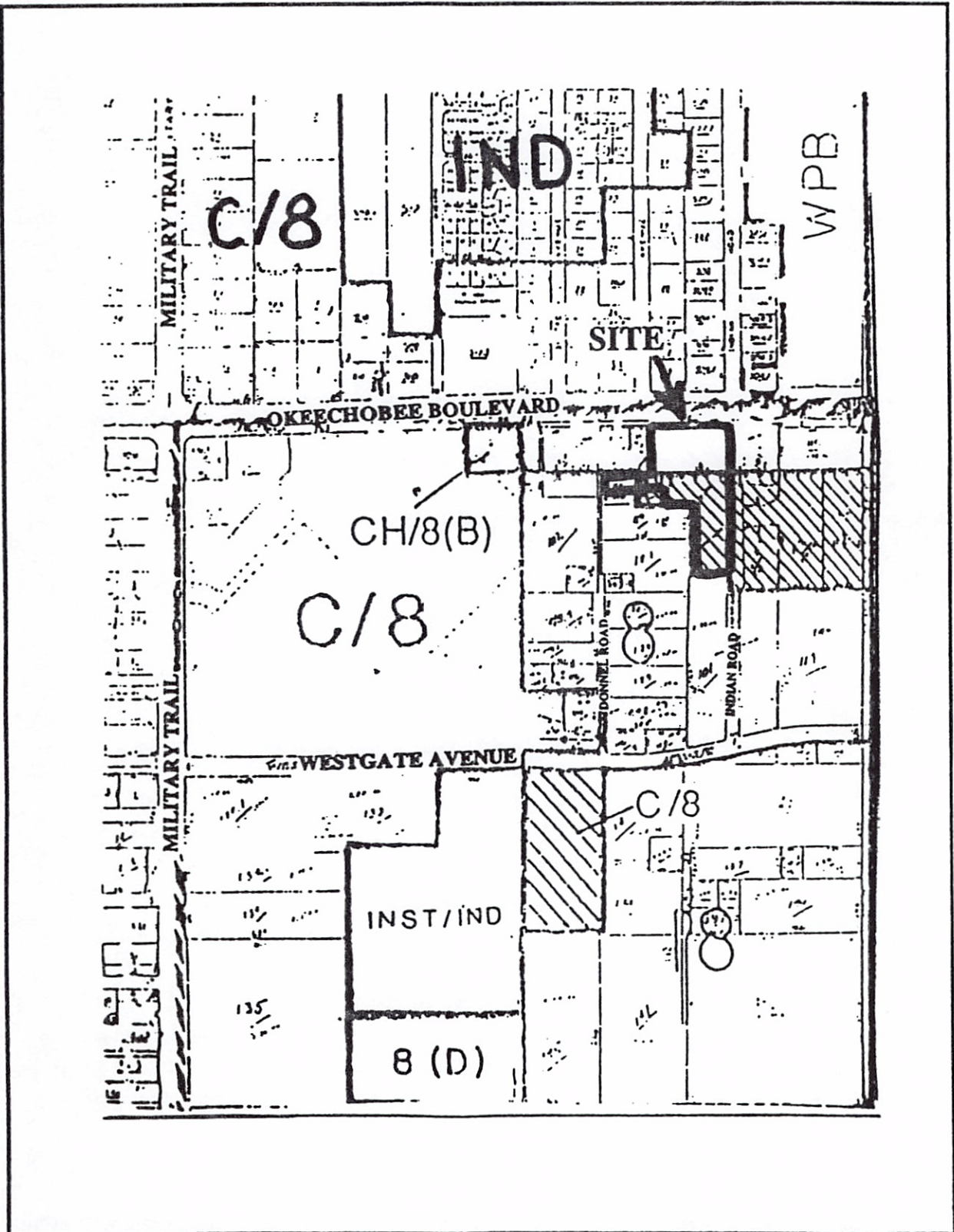
General Location: At the SW Corner of the Okeechobee Blvd./Indian Road Intersection;

Size: 3.04 acres

Existing FLU: High Residential-8 (HR-8)

Adopted FLU: Commercial High/HR-8 (CH/8); and the hatched lines are removed from a portion of the property

Property Number: 00-42-43-25-00-000-1011



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EXHIBIT F

Future Land Use Atlas page 56 is amended as follows:

Application No.: 97-56 U/T 1 (TURNPIKE/JOG ROAD)

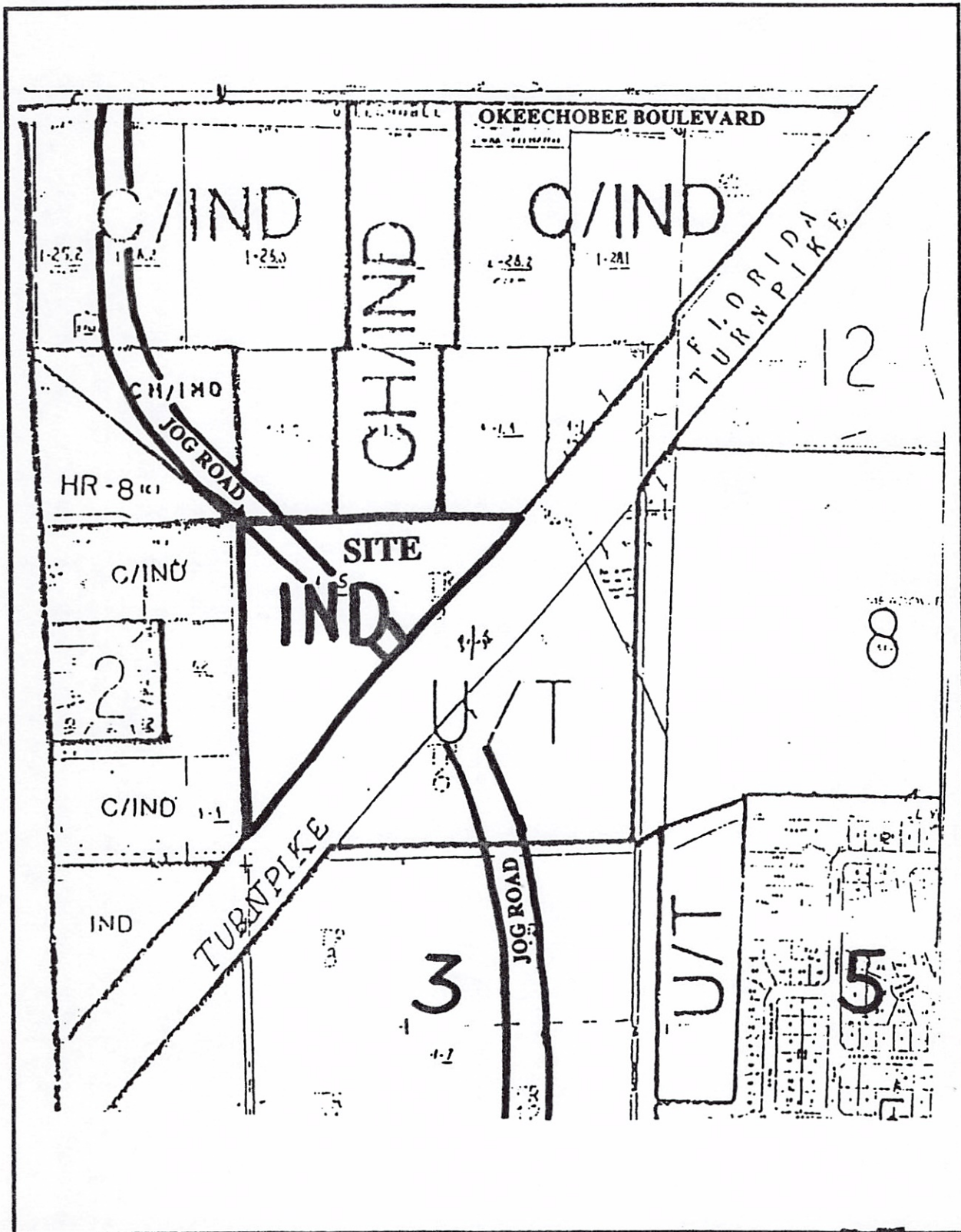
General Location: At the NW and SW corners of the intersection of Florida's Turnpike and Jog Road

Size: 15.81 acres

Existing FLU: Industrial (IND)

Adopted FLU: Transportation & Utilities Facilities (U/T)

Property Number: 00-42-43-27-05-004-0050



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EXHIBIT G

Future Land Use Atlas page 72 is amended as follows:

Application No.: 97-72 RES 1 (TUCKER ROAD)

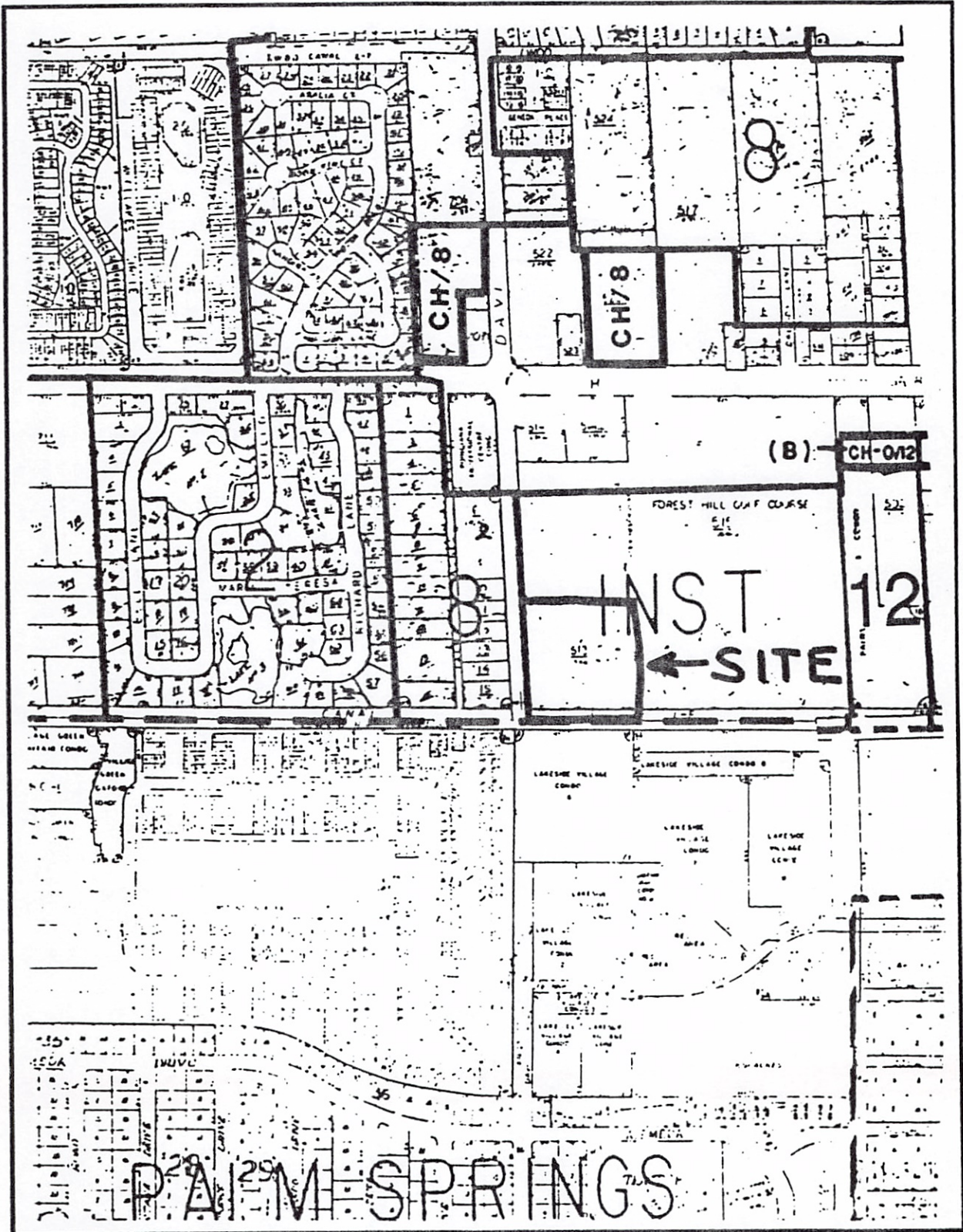
General Location: West of Congress Avenue, south of Forest Hill Boulevard on Tucker Road

Size: 4.91 acres

Existing FLU: Institutional (INST)

Adopted FLU: Medium Residential 5 (MR-5)

Property Number: 00-43-44-07-00-000-5130



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